



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Clark R. Baker, Jr., et al.

Serial No.: 10/796,566

Filed: March 8, 2004

For: PULSE OXIMETER WITH
ALTERNATE HEART-RATE
DETERMINATION

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Group Art Unit: 3735

Examiner: Toth, Karen E.

Atty. Docket: TYHC:0069 / FLE
009103-022600

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

March 28, 2006

Date

Toni Hill
Toni Hill

Sir:

**INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. §§ 1.97(c) AND 1.98**

In compliance with the duty of disclosure under 37 C.F.R. § 1.56(a), it is respectfully requested that this Information Disclosure Statement be entered and that the listed references be considered by the Examiner and made of record. Applicants note that, due to recent amendments to 37 C.F.R. § 1.98(a), copies of the listed domestic references are no longer required to be submitted to the Examiner.

In accordance with 37 C.F.R. § 1.97, this Information Disclosure Statement is not to be construed as a representation that a search has been made, as an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b), or as a representation that no other possibly material information, as defined in 37 C.F.R. § 1.56(b), exists.

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Furthermore, the references listed on the attached PTO/SB/08 Form is not to be construed as an admission that these references qualify as prior art as to the above-referenced application or any related application. Rather, these references are being presented for the Examiner's consideration without prejudice to the right to demonstrate that any of these references do not qualify as prior art should the Examiner choose to apply any of these references.

The following information is listed on the attached PTO/SB/08 Forms in accordance with 37 C.F.R. §1.98. Any explanation of non-English language documents contained in this Information Disclosure Statement is believed to constitute a concise explanation of the relevance of the listed reference as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the listed reference, in accordance with 37 C.F.R. § 1.98(a)(3).

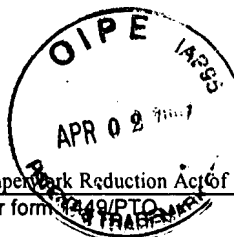
In accordance with 37 C.F.R. §1.97(c) a fee of \$180.00 is due for the present Information Disclosure Statement. The Commissioner is authorized to charge any missing fee, and any additional fee which may be required, to Deposit Account No. 06-1315; Order No. TYHC:0069 / FLE / 009103-022600US.

Respectfully submitted,

Date: March 28, 2007



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| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary) | | | | Complete if Known | |
| | | | | Application Number | 10/796,566 |
| | | | | Filing Date | March 8, 2004 |
| | | | | First Named Inventor | Clark R. Baker, Jr. |
| | | | | Art Unit | 3735 |
| | | | | Examiner Name | Toth, Karen E. |
| Sheet | 1 | of | 1 | Attorney Docket Number | TYHC:0069 / FLE / 9103-022600 |

U.S. PATENT DOCUMENTS

| U.S. PATENT DOCUMENTS | | | | | |
|-----------------------|--------------------------|--|--------------------------------|--|---|
| Examiner Initials* | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | Number-Kind Code ² (if known) | | | |
| | A1 | US- 6,157,850 A | 12-05-2000 | Diab et al. | |
| | A2 | US- | | | |
| | A3 | US- | | | |
| | A4 | US- | | | |
| | A5 | US- | | | |
| | A6 | US- | | | |
| | A7 | US- | | | |
| | A8 | US- | | | |
| | A9 | US- | | | |
| | A10 | US- | | | |
| | A11 | US- | | | |
| | A12 | US- | | | |
| | A13 | US- | | | |
| | A14 | US- | | | |
| | A15 | US- | | | |
| | A16 | US- | | | |
| | A17 | US- | | | |

| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ⁶ |
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| | | Country Code ³ -Number ⁴ -Kind Code ⁵ (if known) | | | | |
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| Examiner Signature | | Date Considered | |
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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